

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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AINSWORTH E. MORRIS,

Plaintiff,

v.

THE NEW YORK GAMING  
COMMISSION, *et al.*,

Defendants.

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18-CV-384  
DECISION AND ORDER

On March 27, 2018, the pro se plaintiff, Ainsworth E. Morris, commenced this action. Docket Item 1. On June 14, 2018, this Court referred this case to United States Magistrate Judge Leslie G. Foschio for all proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Docket Item 13. On June 5, 2018, defendants New York Gaming Commission; Michelle Barbetta; Edmund C. Burns, Esq.; and Kelly Carver moved to dismiss, Docket Item 10. On June 13, 2018, the remaining defendants—Capital Off Track Betting, Sue Ginter, James Hass, and Isabella Poss—moved to dismiss. Docket Item 12.

On March 14, 2019, Judge Foschio issued a Report and Recommendation ("R&R") finding that the defendants' motions should be granted. Docket Item 28. The parties did not object to the R&R, and the time to do so now has expired. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(2).

A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). A district court must conduct a de novo review of those portions of a magistrate judge's

recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3). But neither 28 U.S.C. § 636 nor Federal Rule of Civil Procedure 72 requires a district court to review the recommendation of a magistrate judge to which no objections are raised. See *Thomas v. Arn*, 474 U.S. 140, 149-50 (1985).

Although not required to do so in light of the above, this Court nevertheless has reviewed Judge Foschio's R&R as well as the parties' submissions to him. Based on that review and the absence of any objections, the Court accepts and adopts Judge Foschio's recommendation to grant the defendants' motions.

For the reasons stated above and in the R&R, the defendants' motions to dismiss, Docket Item 10 and Docket Item 12, are GRANTED. The Clerk of the Court shall close the file.

SO ORDERED.

Dated: June 10, 2019  
Buffalo, New York

**s/ Lawrence J. Vilardo**  
LAWRENCE J. VILARDO  
UNITED STATES DISTRICT JUDGE